

- (i) The licensee did not refuse to take a test;
- (ii) The licensee has not had a license suspended under this section during the past 5 years;
- (iii) The licensee has not been convicted under § 21-902 of this article during the past 5 years; and
- (iv) 1. The licensee is required to drive a motor vehicle in the course of employment;
- 2. The license is required for the purpose of attending an alcoholic prevention or treatment program; or
- 3. It finds that the licensee has no alternative means of transportation available to or from the licensee's place of employment and, without the license, the licensee's ability to earn a living would be severely impaired.

(2) In addition to the authority to modify a suspension or issue a restrictive license under paragraph (1) or (4) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license, including a restriction that prohibits the licensee from driving or attempting to drive a motor vehicle unless the licensee is a participant in the Ignition Interlock System Program established under § 16-404.1 of this title, if:

- (i) The licensee did not refuse to take a test;
- (ii) The licensee has not been convicted under § 21-902 of this article; and
- (iii) The license is required for the purpose of attending:
 - 1. A noncollegiate educational institution as defined in § 2-206(a) of the Education Article; or
 - 2. A regular program at an institution of postsecondary education.

(3) If the licensee refused to take a test, the Administration may not modify a suspension under this section or issue a restrictive license except as provided under paragraph (4) of this subsection.

(4) In addition to the authority to modify a suspension or issue a restrictive license under paragraph (1) or (2) of this subsection, the Administration may modify a suspension under this section or issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16-404.1 of this title for at least 1 year.

(O) THE PROVISIONS OF THIS SECTION RELATING TO DISQUALIFICATION DO NOT APPLY TO OFFENSES COMMITTED BY AN INDIVIDUAL IN A NONCOMMERCIAL MOTOR VEHICLE BEFORE:

- (1) SEPTEMBER 30, 2005; OR